

**Notice of Allowability**

Application No.

09/738,264

Examiner

Kelly L. Jerabek

Applicant(s)

SCHMITZ ET AL.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 1/3/2005.
2. ☒ The allowed claim(s) is/are 1 and 3-14 (Renumbered as 1-13)
3. ☒ The drawings filed on 03 January 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1/3/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
AUNG MOE  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1, and 3-14 allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to anticipate or render obvious the following technical features as recited in the highlighted claims:

Re claims 1 and 3-8, the prior art fails to teach or suggest "A device for obtaining of pictures by means of a digital camera over an extended range of brightness values comprising: (a) image detector means for resolving an image into pixels and for generating for each pixel first digital picture data indicative of the brightness of said image at said pixel, said image detector means having a dynamic range extending over a first number of digits, (b) a picture data memory, (c) signal processing means including means for reading from said image detector means a second number of relatively low significance digits as second digital picture data and a third number of relatively high significance digits as third digital picture data, said second and third numbers being smaller than said first number; and (d) means for storing said second digital picture data as a "dark" picture and said third digital picture data as a "bright" picture in said picture data memory".

Re claims 9-14, the prior art fails to teach or suggest “ A method for taking pictures by means of a digital camera over an extended range of brightness values comprising the steps of: resolving an image into pixels, each pixel being represented by first picture data indicative of brightness of the pixel and having a first number of digits; reading from said first picture data a second number of digits having a relatively low significance as second picture data; storing said second picture data as a “dark” picture; reading from said first picture data a third number of digits having a relatively high significance as third picture data; and storing said third picture data as a “bright” picture”.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hwang (US 6,130,724) discloses an image processing apparatus and a method for magnifying dynamic range. The information regarding calculating histograms depending on the illuminance distribution of an image is relevant material.

Azim (US 6,137,533) discloses a system and method for enhancing dynamic range in images. The information regarding bright and dark portions of an image signal is relevant material.

Montillo et al. (US 6,526,165) discloses a method and apparatus for refining a geometric description of an object having a plurality of extensions. The information regarding histograms representing the brightness of image pixels is relevant material.

### ***Contacts***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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